

### **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 1, 3, 4 and 6-9 are amended, claims 2, 5, 10-18 and 30-34 are canceled, and new claims 35-57 are added. Claims 19-29 were canceled in a previous paper. Claims 1, 3, 4, 6-9 and 35-57 are now pending.

Reconsideration of the application is respectfully requested in view of the aforementioned amendment and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

#### **I. General Considerations**

Applicant respectfully notes that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicant has broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicant, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

With specific reference now to the claim amendments, Applicant notes that while claims 1, 3, 4, and 6-9 have been amended herein, such amendments have been made in the interest of advancing this case to early allowance. Notwithstanding, Applicant, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicant hereby reserves the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicant submits that neither the claim amendments set forth herein, nor any other claim amendments or statements advanced by the Applicant in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

#### **II. Claims Rejected Under 35 U.S.C. § 102**

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (c) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *Manual of Patent Examining Procedure ("MPEP") § 2131.*

The Examiner has rejected claim 30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,692,083 to Bennett ("Bennett"). The Examiner has also rejected claim 30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,536,959 to Kuhn et al. ("Kuhn"). Applicant respectfully disagrees but submits that in light of the cancellation of claim 30 herein, the rejection of claim 30 has been rendered moot and should be withdrawn.

### **III. Claims Rejected Under 35 U.S.C. § 103**

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP § 2143.*

The Examiner has rejected claims 1-4 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,533,159 to Okochi et al ("Okochi"). The Examiner has also rejected claims 1, 5-10, 14-18, and 31-34 under 35 U.S.C. § 103(a) as being unpatentable over *Kuhn*. As to the rejection of claims 2, 5, 10-18, and 31-34, Applicant respectfully disagrees but submits that in light of the cancellation of these claims herein, this rejection has been rendered moot and should be withdrawn. As to the rejection of claims 1, 3, 4, and 6-9 Applicant respectfully disagrees and submits that for at least the reasons set forth herein, the rejection should be withdrawn.

Applicant has amended claim 1 herein to require "A coupler comprising ... a fiber stop...and a lens situated...such that there is a gap between the lens and the fiber stop; wherein said fiber stop has an index of refraction approximately the same as the index of refraction of the lens." Support for this amendment can be found in the application at, for example, page 7, line 14 to page 8, line 2, and Figures 1 and 4. Inasmuch as the Examiner has not demonstrated that either *Okochi* or *Kuhn* teaches or suggests all the limitations of amended claim 1, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to claim 1, or claims 3, 4, and 6-9 which each depend therefrom. Applicant thus respectfully submits that the rejection of those claims should accordingly be withdrawn.

In connection with the foregoing, Applicant notes that it appears that the Examiner is relying on personal knowledge as a basis for rejecting claims 1, 5-10, 14-18 and 31-34 as purportedly being obvious over *Kuhn*. Particularly, the Examiner has alleged that,

However, it is well known in the art to utilize the same refractive indices for the optics to reduce any reflection for light traveling through the optics. It is certainly desirable in the coupling configuration of Kuhn et al to reduce coupling loss/back reflection between the optical fiber and an optoelectronic device.

From well known techniques, the ordinary artisan would have found it obvious at the time of the invention to make the index of refraction of the lens (fiber stop) to be equal to the core of the optical fiber for the purpose of reducing the coupling loss and back reflection.

*Office Action, page 5.* Notwithstanding this statement by the Examiner, the Examiner has not identified any references or other materials as being obvious to combine with the purported teachings of *Kuhn*. In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicant hereby respectfully requests an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claims 1, 5-10, 14-18 and 31-34 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claims 1, 5-10, 14-18, and 31-34. Finally, please note that this request for an affidavit pursuant to 37 C.F.R. 1.104(d)(2) remains in force throughout the prosecution of this case unless expressly withdrawn by the Applicant.

#### **IV. New Claims 35-57**

By this paper, Applicant has added new claims 35-57. Each of the new claims 35-41 is believed to be in allowable condition at least by virtue of its dependence from amended claim 1. Each of the new claims 42-57 is also believed to be in allowable condition. Support for the new claims can be found in the application at, for example, Figures 1 and 4 and the associated discussion.

**CONCLUSION**

In view of the amendments and remarks submitted herein, Applicant respectfully submits that each of the pending claims 1, 3, 4, 6-9 and 35-57 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 21<sup>st</sup> day of August, 2007.

Respectfully submitted,

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